

**Town of Sunset Beach
Monthly Council
Work Session, Regular Meeting & Public Hearing
May 7, 2012**

MINUTES

Members Present: Mayor Richard Cerrato, Mayor Pro-Tem Lou DeVita, Councilman Mike Williams, Councilwoman Karen Joseph, Councilwoman Carol Scott, and Councilman Wilson Sherrill.

Members absent: None

Attorney & Staff Present: Gary Parker, Town Administrator; Mike Isenberg, Town Attorney; Kevin Dempsey, Fire Chief; Lisa Massey, Police Chief; Sandy Wood, Building Inspector; Dustin Graham, Public Works Director; Donna Rogers, Finance Director and Lisa Anglin, Town Clerk.

**Work Session
6:45 pm**

Mayor Cerrato called the Work Session to order, called for agenda amendments, and general discussions by the Council.

Council Discussion

Mayor Cerrato thanked the Staff for the installed handicapped parking space near the Council chambers. Mayor Cerrato questioned when the hearing devices would be available; Gary Parker advised that one device has been received for the Council to test before ordering. Councilwoman Scott advised that the microphones and speakers were recently updated and suggested that the Council review the hearing impaired devices when discussing the Council Chamber renovations in early summer. Councilwoman Scott requested the Staff to contact someone for a possible solution to the growing rat population on the island. Councilwoman Scott stated concerns with the Board of Adjustment recent proceedings in which a jet ski rental business was granted a special use permit. Councilwoman Scott was concerned that the notices published may not have given adequate information necessary to inform the public about the request being heard by the Board of Adjustment.

Agenda Amendments

The Council added the following items to the Agenda: Old Business – Update on Memorial Day Service; New Business – Planning Board directive to investigate the removal of jet ski rental businesses from the special use permit sections of the zoning ordinances and related noise ordinances. Mayor Cerrato requested future agenda items of Take Home Vehicle – Taxable Income, West Brunswick High School Internship Program, and Pay for Performance system. Mayor-Pro-Tem DeVita informed the Council that the State has awarded the Town a matching grant to purchase the solar trash cans, but that a Council discussion is needed to determine if the Council desires to proceed with the project. The Council discussed adding a Closed Session to seek legal advice from the Town Attorney regarding calling the Jaguar Lair's infrastructure bonds but decided to delay the decision until after hearing from the public and after discussing it under Old Business. If added, the Closed Session would be held at the end of the meeting. Fire Chief Kevin Dempsey and Assistant Fire Chief Richard Childres were congratulated for their recent promotions.

Monthly Meeting
7:00 pm

Call to Order & Pledge of Allegiance

Mayor Cerrato called the Monthly Meeting to order and the Pledge of Allegiance was recited. Mayor Cerrato stated "Does any member of the council have a conflict of interest or the appearance of a conflict of interest with regard to any item on the agenda, and if so, please state so at this time?" No one spoke.

Public Hearing

COUNCILWOMAN SCOTT MADE A MOTION TO OPEN THE PUBLIC HEARING.
COUNCILMAN SHERRILL SECONDED THE MOTION. MAYOR CERRATO CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Mayor Cerrato advised that the Public Hearing is for the Council to hear comments concerning the Proposed Zoning Text Amendment to Ordinance §151.113 Residential and Business Districts Standards By Use Section B(8) Gasoline Stations Subsection (b) 2 Price Signs to add the sentence that Price sign displays may take the form of placards or light-emitting diodes (LEDs). Mayor Cerrato called for public comments.

None heard.

COUNCILWOMAN SCOTT MADE A MOTION TO CLOSE THE PUBLIC HEARING.
COUNCILMAN SHERRILL SECONDED THE MOTION. MAYOR CERRATO CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Public Comments

The Council heard from numerous Jaguar's Lair property owners requesting that the infrastructure bonds be called and from others who requested that the bonds not be called. The Council also heard from Attorneys representing both the developer and lot owners, the developer, and several of his management staff who requested Council to work with them to establish an acceptable timeline for the project to be finished.

Consent Agenda Approval

COUNCILWOMAN JOSEPH MADE A MOTION TO APPROVE THE FOLLOWING CONSENT AGENDA AS PRESENTED.

1. April 2, 2012 Regular Meeting Minutes
2. April 17, 2012 Work Session Minutes
3. Departmental Reports:
 - a) Police
 - b) Public Works
 - c) Building Inspections
 - d) Fire
4. Disposition of Directives
 - a) Preliminary Assessment Notice appeared in Brunswick Beacon – 11/16/11
 - b) Preliminary Assessment Notice and Resolution mailed to affected property owners – 11/16/11

Consent Agenda Approval (Cont.)

- c) Preliminary Assessment Resolution Public Hearing held – 12/05/11
- d) BEMC informed to begin underground project – 12/9/11
- e) Crossover Walkway repairs began 11/16/11 – 1302 completed 12/21/11; 6th St. completed 01/20/12; 4th St. completed 02/07/12; 5th St. completed 02/20/12, 7th St. completed 02/27/12; 9th St. completed 03/09/12; 11th St. completed 03/29/12; 12th St. completed 04/10/12
- f) Gazebo Bathrooms ordered – 01/25/12, to be delivered 04/09/12; delivered 04/10/12; Notice of Gazebo lot closing emailed to rental companies, posted on Website, & put in ad in Beacon – 04/25/12; Gazebo Bathroom installation begins 04/30/12
- g) Ordinance 50.03 prepared for Municode – 01/24/12; 130.09, 130.12, 130.14 prepared for Municode – 04/18/12
- h) Request letter mailed to NC DOT concerning repaving of Main St. – 02/28/12; Received NC DOT acknowledgement letter – 03/05/12
- i) Set up Meeting with NC DOT for Bridge Landscaping Plan approval and funding – Meeting set for 02/27/12 and held; DOT in process of defining project area for landscaping; Resolution mailed to NCDOT 04/05/12; NC DOT defined project area 04/23/12
- j) Beach Patrol Supervisor hired 04/09/12; staff hired 04/26/12
- k) Personnel Policy amendments in progress; Staff Meeting planned - 05/22/12
- l) Parking Engineer RFQ advertised in Beacon & on website- 03/15/12; Rec'd 03/25/12
- m) Landscaping RFP ad in Beacon 04/04/12
- n) Restroom Cleaning RFP ad in Beacon 04/04/12
- o) Street Resurfacing RFP ad in Beacon 04/04/12
- p) Sponsorship donation mailed to OI Museum Foundation – 04/11/12
- q) BID Mutual Aid Agreement mailed to Calabash – 04/19/12
- r) Memorial Day Services being planned for 05/28/12
- s) Holes on the Beach Strand Ordinance mailed to rental companies & Dept. Heads – 04/19/12
- t) Beach Strand Ordinance Reference Guide & Citation Pads prepared – 04/25/12
- u) Beach Strand Employment Agreement prepared for PW Director – 04/25/12
- v) Ordinance 151.113 Public Hearing ad in Beacon & Website 04/25/12 & 05/02/12
- w) Handicapped parking spaces installed – 04/24/12
- x) Shading Devices Ordinance draft delivered to Council – 04/25/12; put on 05/15/12 Agenda
- y) Community Meeting - Dates selection in progress

5. Departmental Updates – None Reported

COUNCILWOMAN SCOTT SECONDED THE MOTION. MAYOR CERRATO CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Old Business

Discussion and decision by Council as to whether or not to call on Bond Safeguard Insurance Company to perform its obligations under the subdivision bonds for Ocean Ridge Plantation Phase VI, Sections 1, 2A, 2B and 2C

Attorney Isenberg informed the Council that it is under no legal obligation to call the bonds. However, due to the time limit issue concerning the statute of limitations for calling the bonds, Attorney Isenberg advised the Council that it has three (3) options:

- a) Do nothing at this time;
- b) Call the bonds and file suit against the bond company if it refuses to perform its obligations;
or
- c) Enter into a tolling agreement with the developer and the surety that will toll the running of the statute of limitations while the parties negotiate.

Attorney Isenberg advised that the executed tolling agreement will then allow the Town and the developer time to negotiate a solution for the completion of the infrastructure in a timely manner. Councilwoman Joseph recommended that a Closed Session be called at the end of this meeting to consult with Attorney Isenberg further and the Council agreed.

MAYOR PRO-TEM DEVITA MADE A MOTION TO AUTHORIZE ATTORNEY ISENBERG TO NEGOTIATE A TOLLING AGREEMENT WITH MARK SAUNDERS, COASTAL COMMUNITIES, AND THE BOND COMPANY AND TO REPORT BACK TO THE COUNCIL DURING THE MAY 15, 2012 WORK SESSION. COUNCILMAN SHERRILL SECONDED THE MOTION. MAYOR CERRATO CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Consideration of Adoption of Proposed Zoning Text Amendment to Ordinance §151.113 Residential and Business Districts Standards By Use Section B(8) Gasoline Stations Subsection (b) 2 Price Signs. COUNCILWOMAN SCOTT MADE A MOTION TO APPROVE THE RESOLUTION TO AMEND ORDINANCE §151.113 RESIDENTIAL AND BUSINESS DISTRICTS STANDARDS BY USE SECTION B(8) GASOLINE STATIONS SUBSECTION (b) 2 PRICE SIGNS TO ADD THE SENTENCE "PRICE SIGN DISPLAYS MAY TAKE THE FORM OF PLACARDS OR LIGHT-EMITTING DIODES (LEDs)". COUNCILWOMAN JOSEPH SECONDED THE MOTION. MAYOR CERRATO CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Consideration of Selecting Firm for Park Design and Directing Town Administrator to Negotiate Price with Firm

MAYOR PRO-TEM DEVITA MADE A MOTION TO SELECT WITHERS AND RAVENEL FOR THE PARK DESIGN AND TO DIRECT THE TOWN ADMINISTRATOR TO NEGOTIATE THE PRICE AND REPORT BACK TO THE COUNCIL DURING THE MAY 15, 2012 WORK SESSION. COUNCILWOMAN JOSEPH SECONDED THE MOTION. MAYOR CERRATO CALLED FOR A VOTE. COUNCILMAN WILLIAMS, COUNCILWOMAN SCOTT, MAYOR PRO-TEM DEVITA AND COUNCILWOMAN JOSEPH VOTED YES. COUNCILMAN SHERRILL VOTED NO. THE MOTION CARRIED BY MAJORITY VOTE.

Consideration of a Date Change for the 2012/2013 Budget Public Hearing/Adoption

COUNCILWOMAN SCOTT MADE A MOTION TO CALL A SPECIAL MEETING FOR TUESDAY, JUNE 19, 2012 AT 6:45 PM TO HOLD THE 2012/2013 PROPOSED BUDGET PUBLIC HEARING AND TO ADOPT THE 2012/2013 BUDGET. COUNCILWOMAN JOSEPH SECONDED THE MOTION. MAYOR CERRATO CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Old Business (Cont.)

Memorial Day Service Update

Councilman Williams advised that the Town is planning a Memorial Day Service to be held at Town Hall on Monday, May 28, 2012 at 2:00 pm. Program includes a guest speaker and honor guard. Taps will be played on the bag pipes, etc. Seating will be provided but will be limited. The public is encouraged to attend and bring a chair.

New Business

Presentation of 2012/2013 Proposed Budget

Town Administrator Gary Parker presented the Council with the 2012/2013 Proposed Budget noting that the new expenditures consist of the purchase of the pumper truck and a Tahoe, renovations to the Council Chambers and the handicapped beach accesses, purchase of solar trash cans, and the park design. Gary Parker advised that no tax rate increase is proposed. Gary Parker advised that the 2012/2013 Proposed Budget Public Hearing will be held on Tuesday, June 19, 2012 at 6:45 pm with two Budget Work Sessions held prior to the hearing on Tuesday, May 15, 2012 and Thursday, May 24, 2012.

Selection of Firm to do the Parking Study

Gary Parker advised that Fred Burchette, Kimley-Horn and Associates, is the only firm to respond to the RFQ.

COUNCILWOMAN JOSEPH MADE A MOTION TO MEET WITH THE KIMLEY-HORN REPRESENTATIVE TO DISCUSS THE SCOPE OF WORK ON MAY 15, 2012 DURING THE WORK SESSION. COUNCILMAN WILLIAMS SECONDED THE MOTION. MAYOR CERRATO CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Consideration of Adoption of the Whistleblower Policy

The Council reviewed the proposed Whistleblower policy and made a few word amendments.

COUNCILWOMAN SCOTT MADE A MOTION TO ADOPT THE WHISTLEBLOWER POLICY AS AMENDED. COUNCILWOMAN JOSEPH SECONDED THE MOTION. MAYOR CERRATO CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Planning Board Directive to Investigate Removal of Jet Ski Business from Special Use Permit

The Council reached a consensus to direct the Planning Board to investigate the removal of businesses engaged in the rental of personal watercraft from the Special Use Permit sections of the Mainland Business and Beach Business Districts and to consider the potential noise caused by these types of business in regard to the neighboring residential districts.

Public Comments

Jim Johnson 7503 Moorhen Lane – Questioned the authority of a home owners association to prohibit the feeding of turtles, ducks and other wildlife, and for giving instruction to call the Sunset Beach Police department if anyone is seen violating the no feeding orders.

Jim Merkel 1811 Canal Drive – Spoke in opposition of the recent regulations adopted for the beach concerning the digging of holes and questioned the beach patrol department reorganization.

Edward Gutknecht 753 High Gate Place – Requested permission from the Council to install cigarette receptacle signs on the trash can posts on the beach strand.

Public Comments (Cont.)

Bob Tone 9030 Sea Lane – Spoke in opposition of the beach patrol department reorganization.

Duane Lewis 522 Medcalf Drive – Presented the Council a letter from the Sunset Lakes HOA requesting the Town to accept Medcalf Drive as a Town road.

David Ashley 490 Osprey Court – Questioned who was being hired for the beach patrol positions and the age limit.

Charles Nern 647 Oyster Bay Drive – Spoke in opposition to the Town spending taxpayer funds to call the bonds for the Jaguar's Lair subdivision; stated that a parking engineer was needed for the island parking study.

Ed Gore 435 Shoreline Drive West – Questioned the Council's vision for the future and the preservation of the island vegetation; stated that the Gazebo is not a parking lot but an extension of Sunset Blvd.; requested the Council consider installing round-a-bouts at the intersections of North Shore Drive and Sunset Blvd., and Main Street and Sunset Blvd for traffic control.

Al Branham 514 Medcalf Drive – Spoke in favor of the Town taking Medcalf Drive as a Town road and maintaining it in its present condition.

Closed Session

COUNCILWOMAN JOSEPH MADE A MOTION TO GO INTO CLOSED SESSION TO CONSULT WITH THE TOWN ATTORNEY PURSUANT TO NCGS 143-318.11(a)(3) REGARDING THE TOWN'S RIGHTS AND OBLIGATIONS RELATING TO THE JAGUAR'S LAIR BONDS. COUNCILMAN SHERRILL SECONDED THE MOTION. MAYOR CERRATO CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

COUNCILWOMAN SCOTT MADE A MOTION TO RETURN TO THE REGULAR MEETING. COUNCILWOMAN JOSEPH SECONDED THE MOTION. MAYOR CERRATO CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

COUNCILWOMAN SCOTT MADE A MOTION TO RECONVENE THE REGULAR COUNCIL MEETING. MAYOR PRO-TEM DEVITA SECONDED THE MOTION. MAYOR CERRATO CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

The Council met in Closed Session for approximately 35 minutes. No action was taken.

Adjournment

COUNCILWOMAN SCOTT MADE A MOTION TO ADJOURN THE MAY 7, 2012 COUNCIL MEETING. MAYOR PRO-TEM DEVITA SECONDED THE MOTION. MAYOR CERRATO CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Town of Sunset Beach

Richard Cerrato, Mayor

Submitted by:

Lisa Anglin, Town Clerk

*The May 7, 2012 Minutes were approved July 2, 2012.